

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRYAN A. MILLER,

Defendant.

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8:04CR491

ORDER

This matter is before the court on the oral motion for an extension of time by defendant Bryan A. Miller (Miller) made at a hearing on a motion to appoint new counsel on August 12, 2005. Following a denial of the motion, Miller requested an extension of time in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 7). Miller consented to the motion and acknowledged he understood the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

Defendant Miller's oral motion for an extension of time is granted. Defendant Miller is given until **on or before August 22, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 7). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 12, 2005 and August 22, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 12th day of August, 2005.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge